

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY RENE BEKKER EVANS,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

No. 2:22-cv-00506 AC

ORDER LIFTING STAY

Plaintiff seeks judicial review of an administrative decision of the Commissioner of Social Security denying the plaintiff's claim for disability benefits under the Social Security Act. This matter is before the undersigned pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3) and Local Rule 302(c)(15).

This case was stayed pursuant to this court's General Order No. 615, which temporarily stayed civil matters involving the Commissioner of Social Security as a party under 42 U.S.C. § 405(g) and (h) (Social Security Matters) due to the COVID-19 public health emergency and the inability of the Commissioner of Social Security (Commissioner) to prepare and file a certified copy of the administrative record. On February 16, 2022, this court issued General Order 644, rescinding General Order 615 effective April 1, 2022. The stay of this case is therefore LIFTED.

Pursuant to Fed. R. Civ. P. 16, the Court ORDERS the following schedule set for this case:


- 1 1. **Within 90 days of entry of this order**, the Commissioner shall file the administrative
2 record in this case;
- 3 2. **Within 45 days after service of the administrative record**, the plaintiff shall file the
4 motion for summary judgment;
- 5 3. **Within 45 days after service of plaintiff's opening brief**, the defendant shall file the
6 responsive brief;
- 7 4. **Within 15 days after filing of defendant's brief**, the plaintiff shall file the optional reply
8 brief;
- 9 5. In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, the defendant
10 shall file a motion to dismiss in lieu of filing the administrative record. The motion to
11 dismiss shall be filed within 90 days of service of the complaint. The opposing brief shall
12 be filed within 14 days after service of the motion. The reply brief shall be filed within
13 seven days after service of the opposition brief. The motion to dismiss shall NOT be
14 noticed for hearing.
- 15 6. Motions for attorney fees shall be filed within 30 days after entry of final judgment. Any
16 opposition to such motion is due within 30 days of the motion being filed.
- 17 7. All references to the record and all assertion of fact must be accompanied by citations to
18 the record. The opening and responsive brief shall contain the following:
 - 19 a. A description of the plaintiff's alleged physical or emotional impairments,
20 including when the plaintiff contends the impairments became disabling,
21 and how these impairments disable the plaintiff from work;
 - 22 b. A summary of all relevant medical evidence, including an explanation of
23 the significance of clinical and laboratory findings and the purpose and
24 effect of prescribed medication and therapy;
 - 25 c. A summary of the relevant testimony at the administrative hearing;
 - 26 d. A recitation of the defendant's findings and conclusions relevant to the
27 plaintiff's claims;

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- e. A short, separate statement of each of the plaintiff's legal claims stated in terms of the insufficiency of the evidence to support findings of fact or reliance upon an erroneous legal standard; and
 - f. Argument separately addressing each claimed error. Argument in support of each claim of error must be supported by citation to legal authority and explanation of the application of such authority to the facts of the particular case. Briefs that do not substantially comply with these requirements will be stricken.
8. Requests for modification of this briefing schedule will not routinely be granted. Any such request must be made by written stipulation or motion and will be granted only for good cause. **A request for a modification brought on or after the filing deadline will be looked upon with disfavor.** Local Rule 144(d).
 9. The parties are directed to the undersigned's Standing Orders, located on the court's web page at www.caed.uscourts.gov. The parties should take note of the page limits assigned to civil motions. The parties are responsible for knowing and complying with the court's standing orders.
 10. Violations of this order or of the federal rules of procedure or the Local Rules may result in sanctions pursuant to Local Rule 110.

IT IS SO ORDERED.

DATED: April 1, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE